

1 **SHANNON TAITANO, ESQ.**
2 **OFFICE OF THE GOVERNOR OF GUAM**
3 Ricardo J. Bordallo Governor's Complex
4 Adelup, Guam 96910
Telephone: (671) 472-8931
Facsimile: (671) 477-6666

5 **EDUARDO A. CALVO, ESQ.**
6 **KATHLEEN V. FISHER, ESQ.**
7 **RODNEY J. JACOB, ESQ.**
8 **DANIEL M. BENJAMIN, ESQ.**
9 **CALVO & CLARK, LLP**
Attorneys at Law
655 South Marine Corps Drive, Suite 202
10 Tamuning, Guam 96913
Telephone: (671) 646-9355
Facsimile: (671) 646-9403

11 *Attorneys for the Government of Guam*
12 *and Felix P. Camacho, Governor of Guam*

13 IN THE UNITED STATES DISTRICT COURT
14 DISTRICT OF GUAM

15 JULIE BABAUTA SANTOS, et. al.,
16
17 Petitioners,

18 -v-

19 FELIX P. CAMACHO, etc., et. al.
20
21 Respondents.

FILED
DISTRICT COURT OF GUAM

MAY 01 2008 R.D.

JEANNE G. QUINATA
Clerk of Court

CIVIL CASE NO. 04-00006
(Consolidated with Civil Case Nos.
04-00038 and 04-00049)

**STATUS REPORT OF THE
GOVERNOR AND GOVERNMENT
OF GUAM**

22
23
24
25
26
27
28
ORIGINAL

1 In response to the Court's Order of April 23, 2008, the Governor and Government of
2 Guam report that they are aware of no remaining motions in the *Santos* or *Torres* actions.
3 Accordingly, they ask that the Court enter a final judgment in the Santos and Torres actions
4 consistent with the Court's April 23 Order and the Settlement with the EIC Class.
5

6 The Governor and Government also ask that the Court enter a partial final judgment
7 under Fed. R. Civ. Proc. 54(b) consistent with the Order and Settlement in the *Simpao* action as
8 to plaintiffs Mary Grace Simpao and Janice Cruz, who are EIC Class members.

9 Plaintiff Christina M. Naputi is not a class member because she opted out. (See Dock.
10 No. 409). Thus no judgment should be entered as to her in the *Simpao* action. However, in
11 2005, the Governor moved to stay the *Simpao* action pending completion of the litigation
12 concerning the *Santos* settlement (which settlement the *Torres* parties later joined). The relevant
13 pleadings are *Simpao* Docket Nos. 154-156 (opening brief and supporting papers), Nos. 161-62,
14 164 (opposition papers), and Nos. 165-66 (reply brief and supporting papers).
15

16 After reviewing the docket, as best counsel can determine, no court order ever resolved
17 this motion. Accordingly, the Governor hereby renews that motion and asks that a stay issue of
18 plaintiff Naputi's action until the time for appeals of the Court's April 23 Order granting final
19 approval and Judgment expires, or any appeals that are filed are exhausted.¹ Such a stay is
20 warranted for the reasons set forth in the original stay motion, including that plaintiff Naputi's
21 action may be used by her counsel (who represented two objectors) to collaterally attack the
22 settlement and final Order approving the settlement while they are on appeal. There is no
23 prejudice to Plaintiff Naputi from any delay caused by a stay, as she remains entitled to seek
24 interest under the IRC on any claims on which she ultimately prevails. Further, it will promote
25
26

27 ¹ While still represented by the Attorney General, the Government of Guam had joined the
28 opposition to the motion to stay. (See *Simpao* Dock No. 163). Such joinder is now withdrawn.
Instead, the Government joins in the Governor's renewed motion to stay.

1 judicial economy to ensure that all appeals are exhausted or expired prior to having Ms. Naputi's
2 action proceed.

3 The Governor and Government believe that further briefing may not be necessary as the
4 motion to stay is fully briefed, but are prepared to present further briefing and/or argument
5 should the Court require it. Finally, they note that any dispute as to the stay should not cause
6 delay as to the entry of judgment as to all other plaintiffs and as to the EIC Class, and thus they
7 ask that judgment be entered as to all other plaintiffs and as to the EIC Class with all deliberate
8 speed.
9

10 Dated this 1st day of May, 2008.

11 OFFICE OF THE GOVERNOR OF GUAM
12 CALVO & CLARK, LLP
13 *Attorneys for the Government of Guam*
14 *and Felix P. Camacho, Governor of Guam*

15 By:

16 
17
18
19
20
21
22
23
24
25
26
27
28
DANIEL M. BENJAMIN